

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

|                                 |   |                     |
|---------------------------------|---|---------------------|
| DOUGLAS EL                      | : | CIVIL ACTION        |
|                                 | : |                     |
| VS.                             | : |                     |
|                                 | : | NO. 02CV3591        |
| SOUTHEASTERN PENNSYLVANIA       | : |                     |
| TRANSPORTATION AUTHORITY        | : |                     |
|                                 | : |                     |
| VS.                             | : |                     |
|                                 | : | JURY TRIAL DEMANDED |
| KING PARATRANSIT SERVICE, INC., | : |                     |
| AND ELDENS, CORPORATION, AND    | : |                     |
| TRIAGE, INC. , AND ATLANTIC     | : |                     |
| PARATRANS, INC., AND            | : |                     |
| COMMUNITY TRANSIT, INC.,        | : |                     |
| AND J&D JAGICLA ENTERPRISES,    | : |                     |
| INC.,t/a LIBERTY VANS, AND      | : |                     |
| KRAPFS CPS, INC.,AND ANDERSON   | : |                     |
| TRAVEL, AND KING LIMOUSINE      | : |                     |
| SERVICE, INC.                   | : |                     |

## ORDER

**AND NOW**, on this                      day of                      , 2003, upon consideration of the Motion for Summary Judgment of Third Party Defendants, Triage, Inc. and Anderson Travel, Inc. and any response thereto, it is hereby **ORDERED** that the Motion for Summary Judgment is granted. Judgment is entered in favor of Third Party Defendants, Triage, Inc. and Anderson Travel, Inc. and against Third Party Plaintiff, Southeastern Pennsylvania Transportation Authority.

BY THE COURT:

J.

**IN THE UNITED STATES DISTRICT COURT  
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| INC.,t/a LIBERTY VANS, AND      | : |                     |
| KRAPFS CPS, INC.,AND ANDERSON   | : |                     |
| TRAVEL, AND KING LIMOUSINE      | : |                     |
| SERVICE, INC.                   | : |                     |

**THIRD PARTY DEFENDANT’S, TRIAGE, INC. AND ANDERSON TRAVEL, INC.’S**  
**MOTION FOR SUMMARY JUDGMENT**

Third Party Defendant's, Triage, Inc. and Anderson Travel, Inc. by and through the undersigned counsel, hereby present their Motion for Summary Judgment.

1. Third Party Defendants, Triage, Inc. and Anderson Travel, Inc. hereby incorporate by reference as if fully set forth herein the Motions for Summary Judgment of each and every other Third Party Defendant hereto before filed in this matter and each and every Motion for Summary Judgment filed hereafter by any other Third Party Defendants in the within matter.

2. Third Party Defendants, Triage, Inc. and Anderson Travel, Inc. hereby join each and every Motion for Summary Judgment hereto before filed in this matter and each and every Motion for Summary Judgment filed hereafter by any other Third Party Defendants to this action.

**WHEREFORE**, it is respectfully requested that this Honorable Court grant the Motion for Summary Judgment of Third Party Defendants, Triage, Inc. and Anderson Travel, Inc. and grant any other further relief this Honorable Court may deem just and proper.

Respectfully submitted,

**DAVID L. WOLOSHIN, P.C.**

**BY:** \_\_\_\_\_  
**JEFFREY B. KILLINO, ESQUIRE**  
**Attorney for Third Party Defendants,**  
**Triage, Inc. and Anderson Travel, Inc.**

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| AND J&D JAGICLA ENTERPRISES,    | : |                     |
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| KRAPFS CPS, INC.,AND ANDERSON   | : |                     |
| TRAVEL, AND KING LIMOUSINE      | : |                     |
| SERVICE, INC.                   | : |                     |

**MEMORANDUM OF LAW IN SUPPORT OF THIRD PARTY DEFENDANTS, TRIAGE,  
INC. AND ANDERSON TRAVEL, INC.'S MOTION FOR SUMMARY JUDGMENT**

Third Party Defendant's, Triage, Inc. and Anderson Travel, Inc. by and through the undersigned counsel, hereby present their Motion for Summary Judgment.

## I. ARGUMENT

Third Party Defendants, Triage, Inc. and Anderson Travel, Inc. hereby incorporate by reference as if fully set forth herein the Memorandum of Law in Support of the Motions for Summary Judgment of each and every other Third Party Defendants hereto before filed in this matter and each and every Memorandum of Law in Support of the Motion for Summary Judgment filed hereafter by any other Third Party Defendants in the within matter.

Third Party Defendants, Triage, Inc. and Anderson Travel, Inc. hereby join each and every Memorandum of Law in Support of the Motions for Summary Judgment filed hereto before filed in this matter and each and every Memorandum of Law in Support of the Motions for Summary Judgment filed hereafter by any other Third Party Defendants in the within matter.

## **II. CONCLUSION**

It is respectfully requested that this Honorable Court grant the Motion for Summary Judgment of Third Party Defendants, Triage, Inc. and Anderson Travel, Inc. and grant any other further relief this Honorable Court may deem just and proper.

Respectfully submitted,

**DAVID L. WOLOSHIN, P.C.**

**BY: \_\_\_\_\_**  
**JEFFREY B. KILLINO, ESQUIRE**  
**Attorney for Third Party Defendants,**  
**Triage, Inc. and Anderson Travel, Inc.**

**CERTIFICATION OF SERVICE**

I hereby certify that service of a true and correct copy of the enclosed Motion for Summary Judgment of Third Party Defendants, Triage, Inc. and Anderson Travel, Inc. was made on October 13, 2003 to counsel below named by United States Mail, Postage Pre-paid:

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BY: \_\_\_\_\_  
**JEFFREY B. KILLINO, ESQUIRE**  
**Attorney for Third Party Defendants,**  
**Triage, Inc. and Anderson Travel**

October 10, 2003

United States District Court  
for the Eastern District of Pennsylvania  
Room 2609, U.S. Courthouse  
601 Market Street  
Philadelphia, PA 19106

Attention: Michael E. Kunz,  
Clerk of the Courts

**RE: Douglas El vs. Septa vs. King Paratransit Service, Inc., et al.**  
**United States District Court for Eastern District of Pennsylvania**  
**Civil Action No. : 02CV3591**

Dear Mr. Kunz:

Enclosed herewith please find the original and two (2) copies of the Motion for Summary Judgment of Third Party Defendants, Triage, Inc. and Anderson Travel, Inc. in connection with the above-captioned matter. Please file the original of record and return the two (2) time-stamped copies to me in the enclosed, self-addressed envelope. Also enclosed is a copy of the Motion for Summary Judgment of Third Party Defendants, Triage, Inc. and Anderson Travel, Inc. on a floppy disk in PDF format.

Very truly yours,

**JEFFREY B. KILLINO, ESQUIRE**

JBK/bs  
Enclosure

cc: Francisco T. Rivas, Esquire  
Eugene A. Spector, Esquire  
Robert Haurin, Esquire  
Wayne Ely, Esquire  
Philip R. Voluck, Esquire  
Robyn Rachelle Ray, Esquire  
Neil J. Hamburg, Esquire  
Joseph M. Labuda, Esquire  
Reginald A. Krasney, Esquire  
The Honorable J. Curtis Joyner